

REMARKS


Written descriptive support for the newly introduced claims is provided at page 36, line 6 to page 37, line 12. The cited text specifically recites that "transgenic plants transformed with a DNA molecule encoding a hypersensitive response elicitor polypeptide or protein are produced according to procedures well known in the art, such as biolistics or *Agrobacterium* mediated transformation." Moreover, the cited text recites that such "transgenic plants themselves could be grown under conditions effective to be imparted with pathogen resistance" and, "once transgenic plants of this type are produced, transgenic seeds are recovered." Topical treatment of the transgenic plants with a hypersensitive response elicitor is also disclosed.

In view of the foregoing, ample written descriptive support is provided for the newly introduced claims. No new matter has been introduced.

Applicants respectfully request examination of the presently claimed invention.

Respectfully submitted,

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42. (Amended) A method according to claim ~~39~~ **41**, wherein the hypersensitive response elicitor polypeptide or protein corresponds to that derived from a pathogen selected from the group consisting of *Erwinia*, *Pseudomonas*, *Xanthomonas*, *Phytophthora*, and mixtures thereof.

55. (Amended) A plant produced by the ~~method of claim 22~~ **process comprising:**
applying a hypersensitive response elicitor protein or polypeptide in a non-infectious form to a plant seed under conditions effective to impart pathogen resistance to a plant grown from the seed;
planting in soil the seed to which the hypersensitive response elicitor has been applied; and
propagating a plant from the planted seeds.

56. (Amended) A plant seed **obtained** from the plant ~~produced by the method of claim 22~~ **of claim 55.**

57. (Amended) A plant propagule **obtained** from the plant ~~produced by the method of claim 22~~ **of claim 55.**